

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HAWTHORNE MCGEE,

Plaintiff,

v.

SALINAS VALLEY STATE PRISON,

Defendant.

Case No. [24-cv-04177-JCS](#)

ORDER OF TRANSFER

Petitioner, a California prisoner proceeding without an attorney, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition challenges the validity of Petitioner's conviction in Sacramento County Superior Court.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

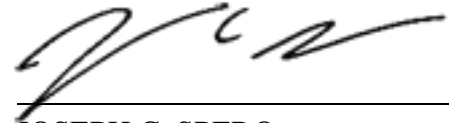
As Petitioner challenges the validity of his conviction, the proper venue for his petition is the district in which he was convicted. Sacramento County is located within the venue of the Eastern District of California. *See* 28 U.S.C. § 84.

Accordingly, in the interest of justice, this case is TRANSFERRED to the United States District Court for the Eastern District of California. In light of this transfer, ruling on Petitioner's

1 application to proceed in forma pauperis is deferred to the Eastern District. The Clerk shall
2 terminate this motion from this Court's docket (docket number 2) and shall transfer this matter
3 forthwith.

4 **IT IS SO ORDERED.**

5 Dated: July 16, 2024

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8 JOSEPH C. SPERO
9 United States Magistrate Judge
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